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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	Case 3:98-CR-00179-05-JWS
Plaintiff,	)	
	)	
v.	)	
	)	<u>UNITED STATES SENTENCING</u>
KENNETH GASSMAN,	)	<u>MEMORANDUM</u>
	)	
Defendant.	)	
_____	)	

**SUMMARY OF SENTENCING RECOMMENDATIONS**

**TERM OF IMPRISONMENT ..... 78 MONTHS**

**TERM OF SUPERVISED RELEASE ..... 3 YEARS**

**FINE ..... \$0.00**

**SPECIAL ASSESSMENT ..... \$100.00**

The United States Probation Office [USPO] has prepared the presentence report [PSR] in this case and the United States does not dispute the factual findings the USPO has made. The United States will rely upon the factual statements in the PSR in making its sentencing recommendations.

Following his pleas of guilty, the defendant stands convicted of one count of manufacturing marijuana, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). The USPO has recommended the Court find the defendant's total adjusted base offense level for the count of conviction to be 26 and that, with the defendant's criminal history category classification of I, the defendant's sentence range to be between 63 and 78 months of imprisonment.

The USPO has accurately assessed the information the United States developed as part of its investigation in this matter and has accurately set forth in the PSR the background information of the defendant's criminal activities. The United States is prepared to present evidence to support the information contained in the pre-sentence report.

In accordance with the U.S.S.G. and the sentencing factors set forth in 18 U.S.C. § 3553, the United States recommends a sentence 78 months of

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imprisonment, a special assessment of \$100.00, and a term of three years of supervised release. The United States does not recommend the imposition of a fine, based on the defendant's apparent current or foreseeable ability to pay a substantial fine.

The United States recommends this sentence to adequately reflect the seriousness of not only the offense of conviction but also to reflect the defendant's failure to appear for sentencing as well as his remaining a fugitive for these many years until his fortuitous apprehension in another part of the United States. But for his being found in a county jail following his arrest on unrelated charges, the defendant may well have avoided all responsibility for his conduct for an indeterminate period of time. Thus, the Court should sentence this defendant more severely than a typical first time offender. Furthermore, the Court should not give the defendant any credit for his initial attempt to cooperate. His fleeing from the jurisdiction more accurately reflects the defendant's dim hopes for rehabilitation than his attempt to cooperate with law enforcement. A more severe sentence will adequately address not only the United States Sentencing Commission Guideline concerns but also those contained in 18 U.S.C. § 3553.

RESPECTFULLY SUBMITTED this day, October 19, 2007, in  
Anchorage, Alaska.

UNITED STATES SENTENCING MEMORANDUM

NELSON P. COHEN  
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I certify that a true and correct copy of the  
foregoing SENTENCING MEMORANDUM  
was sent to the following counsel  
of record on October 19, 2007, via:

electronic filing

Henry Graper

Executed at Anchorage, Alaska on  
October 19, 2007

/S/ Stephan A. Collins  
Office of the U.S. Attorney

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